

HOUSE BILL No. 1481

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-51-3-6.

Synopsis: Punitive damage awards. Requires: (1) 75% of a punitive damage award to be paid to the person to whom the damages were awarded; and (2) 25% of the award to be used to pay the attorney's fees of the person to whom the damages were awarded, with any remainder to be deposited in the violent crime victims compensation fund. Makes technical corrections. (Current law requires: (1) 25% of a punitive damage award to be paid to the person to whom the damages were awarded; and (2) 75% of the award to be deposited in the violent crime victims compensation fund.)

Effective: July 1, 2007.

Kuzman

January 23, 2007, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1481

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-51-3-6, AS AMENDED BY P.L.105-2006,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 6. (a) Except as provided in IC 13-25-4-10, when
4 a finder of fact announces a verdict that includes a punitive damage
5 award in a civil action, the party against whom the judgment was
6 entered shall notify the office of the attorney general of the punitive
7 damage award.
8 (b) When a punitive damage award is paid, the party against whom
9 the judgment was entered shall pay the punitive damage award to the
10 clerk of the court where the action is pending.
11 (c) Upon receiving the payment described in ~~subsection (a)~~,
12 **subsection (b)**, the clerk of the court shall:
13 (1) pay the person to whom punitive damages were awarded
14 ~~twenty-five~~ **seventy-five** percent ~~(25%)~~ **(75%)** of the punitive
15 damage award; and
16 (2) pay the remaining ~~seventy-five~~ **twenty-five** percent ~~(75%)~~
17 **(25%)** of the punitive damage award **as follows:**



- 1 **(A) The clerk of the court shall pay attorney's fees to the**
 2 **attorney who represented the person to whom punitive**
 3 **damages were awarded in the amount contracted for by**
 4 **the attorney and the person.**
 5 **(B) After attorney's fees are paid under clause (A), the**
 6 **clerk of the court shall pay any remaining punitive damage**
 7 **award** to the treasurer of state, who shall deposit the funds
 8 into the violent crime victims compensation fund established
 9 by IC 5-2-6.1-40.
 10 (d) The office of the attorney general may negotiate and
 11 compromise a punitive damage award described in subsection (c)(2).
 12 (e) The state's interest in a punitive damage award described in
 13 ~~subsection (b)(2)~~ **subsection (c)(2)** is effective when a finder of fact
 14 announces a verdict that includes punitive damages.

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